

REMARKS

Reconsideration of the instant application in view of the above amendments and the following remarks is respectfully requested. Claims 85-91, 93-102, and 104-110 are currently pending and under consideration. Claims 85-91, 93-102, and 105-110 stand allowed, while claim 104 stands rejected. By the present amendment, claim 104 is canceled and new claims 111-113 are added to more specifically recite certain aspects of the invention. Support for these amendments may be found throughout the specification and claims as originally filed. Specifically, support for the modified internucleotide linkages recited in claims 111 and 112 is provided, *e.g.*, on page 23, lines 22-27 and Example 10, and support for a polyanionic nucleic acid containing exclusively phosphodiester linkages as recited in claim 113 is provided, *e.g.*, on page 23, lines 10-14. Therefore, the amendments do not constitute new matter. It should be noted that the above amendments are not to be construed as acquiescence with regard to the Examiner's rejections and are made without prejudice to prosecution of any subject matter removed or modified by this amendment in a related divisional, continuation or continuation-in-part application.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claim 104 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner asserts that the specification does not support all nucleic acids not being substantially degraded following incubation of the particle in serum at 37°C for 30 minutes. Instead, he indicates that the specification only provides support for phosphorothioate deoxynucleotides as possessing this characteristic.

Without acquiescence to this basis of rejection, claim 104 has been cancelled, thereby obviating this rejection. Accordingly, Applicants respectfully request that this basis of rejection be withdrawn.

Applicants note that upon cancellation of claim 104, all remaining previously pending claims stand allowed. New claims 111-113 depend from allowed claim 85 and are

directed to the claimed nucleic acid-lipid particles having specific internucleotide linkages, as described on page 23, lines 10-27 and Example 10 of the instant specification. Accordingly, these claims, which further limit an allowed claim, should also be allowable. Thus, Applicants respectfully submit that all of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. However, should any issue remain, the Examiner is urged to contact Applicants' undersigned representative at (206) 622-4900.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,  
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